

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GEORGIA SOUTHWESTERN RAILROAD,	)	
INC., a Corporation,	)	
Plaintiff,	)	
v.	)	2:06-CV-00003-DRB
	)	
AMERICUS C. MITCHELL, JR.,	)	
Defendant.	)	

**AMENDED SCHEDULING ORDER**

For good cause pursuant to conference with counsel during scheduled oral arguments on defendant's motion for summary judgment, it is **ORDERED** that the UNIFORM SCHEDULING ORDER filed March 31, 2006 (Doc. 9) is AMENDED as follows:

**1. Jury Trial AND Pre-Trial Conference (Section 1)**

The Jury Trial previously scheduled to commence with jury selection on December 4, 2006, is *CONTINUED to the jury term commencing on June 4, 2007.* The *final pretrial conference* is continued from November 13, 2006, to *April 5, 2007*, in District Courtroom 4A. Plaintiff shall ensure that the original of the jointly prepared **proposed pretrial order** is received by the court on or before *March 29, 2007*, transmitted in wordperfect format to the proposed order CMECF box of the successor judge.

**2. Dispositive Motions (Section 2)**

By Order entered October 25, 2006, the court denied without prejudice a timely filed summary judgment motion in order to allow for supplemental discovery (from October 25 to November 30, 2006) on a single issue – the proper measure of damages for the railroad trestle bridge which is the subject of this tort claim. *Any motions to dismiss or motions for summary judgment which are grounded on this supplemental discovery must be filed by December 20, 2006,*

pursuant to the guidelines set in the original scheduling order. Responses in opposition must be filed not later than January 10, 2007, and any Reply to a Response may be filed by January 22, 2007. Unless oral argument is requested or set by the court, the dispositive motions shall be deemed submitted for ruling after January 22, 2007.

**3. Settlement Conference; Mediation Request (Section 3)**

The parties shall conduct a face-to-face settlement conference, not later than February 12, 2007, at which counsel shall engage in good faith settlement negotiations. If settlement cannot be reached, counsel shall also discuss whether mediation will assist the parties in reaching settlement. Counsel for the plaintiff shall file, not later than February 26, 2007 a "*Notice Concerning Settlement Conference and Mediation*."

**4. Disclosure of Trial Witnesses and Exhibits (Sections 10, 11,12)**

a. Pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, and Section 10 of the original scheduling order, the parties shall exchange not later than **April 5, 2007**, the names, addresses and telephone numbers of all witnesses, except witnesses solely for impeachment purposes, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

b. Pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, and Section 11 of the original scheduling order, by **May 14, 2007**, the parties shall identify any part of a deposition that a party expects to use at trial. Adverse parties shall within **ONE WEEK THEREAFTER** identify any responsive parts of depositions expected to be used, and a party shall within **THREE DAYS** of the designation of such responsive parts designate any part which is desired as a rebuttal thereto.

c. Pursuant to the provisions of Rule 26(a)(3) of the Federal Rules of Civil Procedure, and Section 12 of the original scheduling order, by **April 5, 2007** the parties shall, furnish opposing counsel for copying and inspection all exhibits or tangible evidence to be used at the trial, and proffering counsel shall have such evidence marked for identification prior to trial.

DONE this 25<sup>th</sup> day of October, 2006.

/s/ Delores R. Boyd  
DELORES R. BOYD  
UNITED STATES MAGISTRATE JUDGE